

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
2010 MAR 25 P 2:50

City Clerk
Time Stamp

TOTAL BASE BID 715,160

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, March 25, 2010

Project Manager: Jesse Estolano – 793.4121

University Avenue Sanitary Sewer Replacement

BIDDER NAME: PACIFIC UNDER GROUND CONSTRUCTION

Bond ☒ Cashier's Check _____

Addendums Included () 1,2

Non-Collusion Affidavit

YES ☒ NO _____

YES ☒ NO _____

BIDDERS

March 19, 2010

Subject: Addendum 2 to the Plans and Specifications for University Avenue Sanitary Sewer Replacement

Page 7

REVISED SCHEDULE OF QUANTITIES

PROJECT: UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT

CONTRACTOR: Pacific Underground Construction, Inc.

PROJECT I.D. 5509

| ITEM NO. | SPEC SECT | ITEM DESCRIPTION | UNIT | EST. QTY. | UNIT PRICE | EXTENSION |
|----------|-----------|------------------------------------------------------------------------------------------------------|------|-----------|-------------|-------------|
| 1.a | 5-2 | Street Clean-Up (minimum of \$400 per day) (Revocable) | Day | 30 | \$400.00 | \$12,000.00 |
| 1.b | 5-2 | Street Clean-Up (Additional unit price above minimum price listed in Item No. 1.a above) (Revocable) | Day | 30 | 100.00 | 3,000.00 |
| 2. | 11-1 | Mobilization | L.S. | 1 | 18,000.00 | 18,000.00 |
| 3. | 12-1 | Traffic Control | L.S. | 1 | 2.00 | 2.00 |
| 4.a | 12-2 | Police Officers (minimum of \$48.00/hour) (Revocable) | Hr. | 100 | \$48.00 | \$4,800.00 |
| 4.b | 12-2 | Police Officers (Additional unit price above minimum price listed in Item No. 4.a above) (Revocable) | Hr. | 100 | 5.00 | 500.00 |
| 5. | 15-1.2 | Additional Potholing Existing Utilities (Revocable) | Ea. | 9 | 300.00 | 2,700.00 |
| 6. | 15-2 | Utility Conflict (Revocable) | F.A. | 1 | \$20,000.00 | \$20,000.00 |
| 7. | 25-1 | Additional Backfill Material (Revocable) | Ton | 95 | 10.00 | 950.00 |
| 8. | 39-1 | Additional Asphalt Concrete Pavement (Revocable) | Ton | 45 | 75.00 | 3,375.00 |
| 9. | 81-2 | Install Survey Monument | Ea. | 3 | 1,500.00 | 4,500.00 |
| 10. | 94-4 | Emulsion Slurry Seal | S.F. | 292,260 | 0.16 | 46,760.00 |
| 11. | 1301-5 | Geotextile (wrapped pipe) | L.F. | 2,340 | 2.00 | 4,680.00 |
| 12. | 1301-6 | Bedding Stabilization Material (Revocable) | Ton | 70 | 15.00 | 1,050.00 |
| 13. | 1302-2 | 6-inch Dia. Extra Strength VCP | L.F. | 2,160 | 138.00 | 298,080.00 |
| 14. | 1302-3 | Trench Sheeting, Shoring, and Bracing | L.S. | 1 | 1,500.00 | 1,500.00 |
| 15. | 1302-5 | Sanitary Sewer Lateral Verification (Revocable) | Ea. | 21 | 75.00 | 1,575.00 |
| 16. | 1302-6 | Reconnect Existing Sanitary Sewer Lateral | Ea. | 43 | 340.00 | 14,620.00 |
| 17. | 1302-6 | Replace/Extend 4-inch Sanitary Sewer Lateral (Revocable) | L.F. | 200 | 100.00 | 20,000.00 |
| 18. | 1302-6 | Additional 4-inch Sanitary Sewer Lateral (Revocable) | F.A. | 1 | \$25,000.00 | \$25,000.00 |
| 19. | 1302-7 | Standard Sanitary Sewer Cleanout (Revocable) | Ea. | 25 | 500.00 | 12,500.00 |
| 20. | 1305-1 | New Standard Sanitary Sewer Manhole (D11) | Ea. | 3 | 4,400.00 | 13,200.00 |
| 21. | 1308-1 | Cleaning and Inspection of Sanitary Sewer Laterals | Ea. | 43 | 180.00 | 7,740.00 |
| 22. | 1501-3.2 | Trial Diversion (Revocable) | L.S. | 1 | 500.00 | 500.00 |
| 23. | 1501-3.2 | Diversion and/or Pumping of Sewage Flows | L.S. | 1 | 500.00 | 500.00 |
| 24. | 1501-4 | Existing Sewer Lateral Reinstatement | Ea. | 148 | 55.00 | 8,140.00 |
| 25. | 1501-6 | Point Repair for 6-inch VCP (Revocable) | L.F. | 200 | 150.00 | 30,000.00 |
| 26. | 1501-7 | Remove Manhole Rungs (Per Each Manhole) | Ea. | 21 | 140.00 | 2,940.00 |
| 27. | 1501-8 | Cleaning and Inspection of Pipelines | L.F. | 5,390 | 2.20 | 11,858.00 |
| 28. | 1502-1.8 | Installation of CIPP Liner in 6-inch VCP Sanitary Sewer | L.F. | 5,390 | 21.00 | 113,190.00 |
| 29. | 1503-9 | Manhole Rehabilitation | Ea. | 21 | 1,500.00 | 31,500.00 |
| TOTAL | | | | | | 715,160.00 |

NONCOLLUSION AFFIDAVIT

Project Title: **UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT**

Thad M. Corbett

(print name)

, being first duly sworn, deposes and says that he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on March 25, 2010

Pacific Underground Construction, Inc.

Legal Company Name

Corporation

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 6427390210

Expiration Date: 04/15/2010

State Contractor Lic. No.: 423419

Classification: A & C16

Expiration Date: 05/31/2010

Federal I. D. No.: 94-2798695

Address: 1817 Stone Avenue
San Jose, CA 95125

By: Thad M. Corbett

Title: Thad M. Corbett, Vice-President

Telephone: (408)977-1655

NOTARY

On March 25, 2010 before me, Cheryl Koeller, Notary Public, personally appeared

(name and title of officer)

Thad M. Corbett

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Cheryl Koeller
Notary Public, Cheryl Koeller

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Pacific Underground Construction, Inc. as PRINCIPAL, and First National Insurance Company of America, a corporation duly organized under the laws of the State of Washington and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of Ten Percent of Amount Bid DOLLARS (\$ 10%).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on March 25, 2010 for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 25th
day of March, 2010.

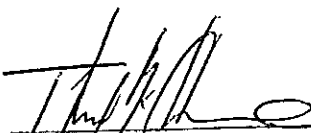
PRINCIPAL

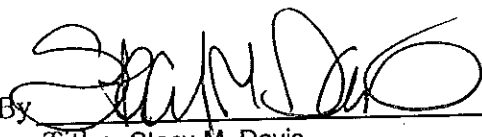
SURETY

Pacific Underground Construction, Inc.
Legal Company Name

First National Insurance Company of America
Legal Company Name

Corporation
Indicate Type of Entity

By 
Title: **Thad M. Corbett**
Vice-President

By 
Title: **Stacy M. Davis**
Attorney-in-fact

By _____
Title:

By _____
Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Clara

On March 25, 2010 before me, Cheryl Koeller, Notary Public personally appeared Thad M. Corbett, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and seal



A handwritten signature of Cheryl Koeller in cursive script, written over a horizontal line.

Cheryl Koeller, Notary Public
My commission expires July 19, 2012

OPTIONAL

(The information below is not required by law)

Description of Attached Document

Title/type of Document:

Date of Document:

No. of Pages:

Other Signer(s):

POWER
OF ATTORNEY

No. 9948

KNOW ALL BY THESE PRESENTS:

That FIRST NATIONAL INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint

*****STACY M. DAVIS; CATHERINE A. PINNEY; CHERYL A. RIPLEY; NANCY L. WALLIS;
K. DIXON WRIGHT; Petaluma, California*****

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued by the company in the course of its business, and to bind FIRST NATIONAL INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, FIRST NATIONAL INSURANCE COMPANY OF AMERICA has executed and attested these presents

this 5th day of October, 2009

Dexter R. Legg

Dexter R. Legg, Secretary

Timothy A. Mikolajewski

Timothy A. Mikolajewski, Vice President

CERTIFICATE

Extract from the By-Laws of FIRST NATIONAL INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

Extract from a Resolution of the Board of Directors of
FIRST NATIONAL INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

- (i) The provisions of Article V, Section 13 of the By-Laws, and
- (ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and
- (iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be a facsimile thereof."

I, Dexter R. Legg, Secretary of FIRST NATIONAL INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this 25th day of March, 2010



Dexter R. Legg

Dexter R. Legg, Secretary

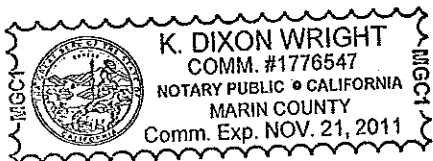
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sonoma

On March 25, 2010 before me, K. Dixon Wright, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Stacy M. Davis
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Stacy M. Davis

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☒ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____
First National Insurance Company of
America

Signer's Name: _____

- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: _____

*Department of Public Works*

TRANSPORTATION AND HYDRAULICS SERVICES DIVISION

March 10, 2010

**ADDENDUM NO. 1
TO
THE PLANS AND SPECIFICATIONS
FOR
UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into the Specifications for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

IMPORTANT

THIS ADDENDUM SHOULD BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

**Pacific Underground
Construction, Inc.**

Bidder's Name

Approved By:



Signature and Title of Bidder
**Thad M. Corbett
Vice-President**

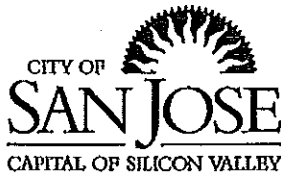
March 25, 2010

Date



TIMM BORDEN
Deputy Director of Public Works Department

THIS ADDENDUM CONTAINS 2 PAGES



Department of Public Works

TRANSPORTATION AND HYDRAULICS SERVICES DIVISION

March 19, 2010

**ADDENDUM NO. 2
TO
THE PLANS AND SPECIFICATIONS
FOR
UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT**

Notice is hereby given that the following clarifications, revisions, additions and/or deletions are hereby made of, and incorporated into the Specifications for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

IMPORTANT

THIS ADDENDUM SHOULD BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

Pacific Underground
Construction, Inc.

Bidder's Name

Approved By:

Signature and Title of Bidder

Thad M. Corbett
Vice-President

TIMM BORDEN

Deputy Director of Public Works Department

March 25, 2010

Date

THIS ADDENDUM CONTAINS 7 PAGES